

# UNDERHILL PLANNING COMMISSION

Wednesday, March 29, 2017 6:30 PM

## Minutes

**Planning Commissioners Present:** Chair Cynthia Seybolt, Carolyn Gregson, Catherine Kearns, David Edson, Pat Lamphere, Irene Linde, Nancy Bergersen

**Staff/Municipal Representatives Present:** Andrew Strniste, Planning Director

**Others Present:** Lea Van Winkle, Underhill Resident; Penny Miller, Development Review Board Representative

[6:30] The Planning Commission convened at Underhill Town Hall at 6:30pm.

[6:31] Chair C. Seybolt called the meeting to order.

[6:31] Chair C. Seybolt proposed to approve minutes at the beginning of the meeting rather than at the end, which was unopposed. Staff Member Strniste advised that the minutes of February 1, 2017 could not be approved, as a quorum from that meeting was not present at the current meeting. Commissioner Edson advised that the minutes should be clearer about motions to approve changes to the regulations, as the Planning Commission cannot make unilateral changes to the regulations. **Chair C. Seybolt asked for a motion to approve the minutes of March 1, 2017, as amended.** Commissioner Bergersen accepted the motion and Commissioner Linde seconded. **Minutes of March 1, 2017, as amended, approved unanimously.**

[6:37] **Chair C. Seybolt asked for a motion to approve the minutes of January 4, 2017, as amended.** Commissioner Kearns accepted the motion. Commissioner Edson seconded the motion. **Minutes of January 4, 2017, as amended, were approved unanimously.**

[6:39] Chair C. Seybolt proposed to move up the voting of officers and quorum call rather than at the end of the meeting, which was unopposed. Commissioner Edson nominated Commissioner Seybolt to serve as Chair. Commissioner Gregson seconded the motion. **Commissioner Seybolt was unanimously approved to serve as Chair.** Commissioner Lamphere nominated Commissioner Gregson to serve as Vice Chair, which was seconded by Chair C. Seybolt. **Commissioner Gregson was unanimously approved to serve as Vice Chair.** Chair C. Seybolt nominated Commissioner Kearns to serve as Secretary. Commissioner Bergersen seconded. **Commissioner Kearns was voted unanimously to serve Clerk.**

[6:40] Staff Member Strniste advised the Commission he would send out the rules of procedure for them to review, and that this would be a topic of discussion at the next meeting. He also advised that the next round of interviews for the vacancy would be held at the next meeting, April 6. Chair C. Seybolt proposed developing a set of questions for the Commission to ask the interviewees. She also advised that Selectboard Member Johnson is coordinating a joint meeting between the Town's boards, commissions & committees and the Vermont League of Cities & Towns to be held on May 2 or May 4.

[6:44] A discussion ensued about the commuter bus issue raised during Town Meeting Day. Chair C. Seybolt proposed sending a recommendation to the Selectboard calling for the assembly of a task force to inquire about the issue. She advised she would write a memorandum to present at the next meeting.

- [6:49] Chair C. Seybolt advised that the Conservation Commission Chair, Karen McKnight, is researching how the Town should view Prime Agricultural Lands, and may meet with the Planning Commission in the future to discuss the Conservation Commission's ideas.
- [6:49] The Planning Commission unanimously moved to meet on every first and third Thursdays of each month starting April 6, 2017.
- [6:51] The Commission communicated that there would be a quorum present at the April 6, 2017 meeting.
- [6:51] A discussion ensued regarding the Development Review Board's recommendations pertaining to multi-family dwellings and accessory dwellings, as well as the newly proposed anticipated accessory structures. Staff Member Strniste advised that a solution to the conversion issue could be adding language to Section 3.3 stating that a conversion of a principal dwelling unit to an accessory dwelling unit is not considered a conversion of use. Resident Van Winkle and Board Member Miller explained and clarified the difference between what the State considers an accessory dwelling and what the Town considers an accessory dwelling. Board Member Miller explained that for State purposes if either an attached or detached accessory dwelling is under the 30% sq. ft. threshold, as well as at or under the one (1) bedroom threshold, then the State considers the unit an accessory structure. If an attached accessory dwelling is over the thresholds mentioned above, the State will consider the structure a duplex. If a detached accessory dwelling is over the thresholds mentioned above, the State will consider the structures two separate single-family dwellings. Commissioner Edson advised he would be a proponent of aligning the Town's regulations with the State regulations regarding attached accessory dwellings, but departing from the State's regulations regarding detached accessory dwellings.
- [7:04] Board Member Miller inquired how a caretaker's house should be handled, and in response, Commissioner Edson stated that the State's regulations for a detached accessory dwelling included the restricting language of "appurtenance to the primary dwelling," which means serving the primary dwelling in some way, such as a garage.
- [7:06] Commissioner Kearns reiterated the main issues in front of the Commission, which included: 1) proposing to add anticipated accessory dwellings to the regulations v. proposing to add language to Section 3.3 of the Town's regulations; 2) following State regulations for attached accessory structures; and 3) setback standards for accessory dwellings.
- [7:10] Board Member Miller provided an overview of the recommendations that the Development Review Board provided to the Planning Commission.
- [7:15] A discussion ensued regarding the owner occupancy requirements of accessory apartments. Chair C. Seybolt felt that the owner occupancy requirement would limit what people can do with their property, as Commissioner Lamphere provided examples where there could be issues, such as if banks or trusts own the property. Chair C. Seybolt summarized the proponent's argument for the owner occupancy requirement as wanting it as a tool to help regulate bad situations.
- [7:30] Staff Member Strniste provided a counterpoint to the Development Review Boards recommendation that the Board should review all accessory dwelling applications by stating that review of duplexes is handled administratively, and therefore, believed the two review procedures would be inconsistent with one another. He also proposed slightly modifying the proposed definition of duplex.

[7:39] Commissioners Lamphere and Linde inquired about why the Town should be concerned about accessory dwellings beyond the wastewater issues. Commissioner Edson voiced his reservations about allowing the Development Review Board to grant waivers for issues pertaining to accessory dwellings. Chair C. Seybolt asked for clarification from Board Member Miller about the Board's willingness to grant waivers since this seemed to be in conflict with the Board's request on not wanting to grant waivers/variances. Board Member Miller provided the distinction between waivers and variances. A discussion ensued about attached accessory apartments v. duplexes.

[7:56] The Commission proposed questions that they wished to asked the interviewees at the next meeting.

[8:00] **Chair C. Seybolt asked for a motion to adjourn.** Commissioner Lamphere accepted the motion to adjourn, which Commission Linde accepted. **Motion approved unanimously.**

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Respectfully Submitted By:  
Andrew Strniste, Planning Director

The minutes of the March 29, 2017 meeting were accepted this 13<sup>th</sup> day of July, 2017.

Cynthia Seybolt  
Chair C. Seybolt, Planning Commission Chair